

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
www.montgomerycountymd.gov/mc/council/board.html**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, October 3, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 19, 2007 Worksession.

Action: Approved (CLH/WMH, 4-0).

2. **A-6189, Appeal of Catherine Cotter** (Historic Preservation Commission – Public Decision Granting Application No. 35/13-06DD). Letter to the Board from Andrew Strongin, Esquire, withdrawing the administrative appeal.

Action: Dismissed the administrative appeal as withdrawn, (CGT/WMH, 4-0).

3. **A-6193, Petition of Roy Glixon** (accessory structure/swimming pool). Letter to the Board from the petitioner requesting a rehearing and reconsideration. Also included is a letter from Richard Coffman.

Action: (1) Re-opened the record to include the petitioner's letter; (2) denied the request for reconsideration, (DLB/CLH, 5-0).

4. **A-6224, Appeal of Carol Ann Placek** (Department of Permitting Services – Issuance of Building Permit No. 423918). Letter to the Board from Jodi Longo and Dejan Bujak requesting reconsideration of the Board's denial of their request to intervene. Also included are letters from Carol Placek requesting to reschedule the pre-hearing conference and responding to the request for reconsideration.

Action: (1) Granted the request to reschedule the pre-hearing conference; (2) granted reconsideration of the request to intervene; (3) granted intervention to Ms. Longo only, (CLH/CGT, 5-0).

5. **CBA-748-A, Petition of Stephen Benedek** (summer day camp). Letter to the Board from Stanley Abrams, Esquire, requesting an amendment to the administrative modification granted 5/16/07.

Action: Granted the administrative modification, (DLB/WMH, 5-0).

6. **CBA-1174 and S-2503, Petition of Holton Arms School, Inc.** (private educational institution and summer day camp). Letter to the Board from Susanna Jones, Head of School, submitting the annual report and the master calendar.

Action: Re-opened the record to include Ms. Jones' letter with attachments, (CGT/WMH, 5-0).

7. **CBA-2779, Petition of Alfred A. Schwartz** (private riding stable). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CLH/WMH, 5-0).

8. **S-274-A, Petition of Suburban Hospital** (hospital). Letters from Allen Myers, President, Maplewood Citizens Association, Barbara Moskowitz, Secretary, Oakmont Citizens Committee, Virginia Miller, Wyngate Citizens Association, in response to the Board's Resolution dated 7/16/07.

Action: Re-opened the record to include the letters from Mr. Myers, Ms. Moskowitz, and Ms. Miller, (CGT/DLB, 5-0).

9. Pending Item **S-390 [CBA-605, CBA-1280], Petition of Twin Farms Club** (community swimming pool). Memorandum from Carlton Gilbert, Zoning Coordinator, M-NCPPC, in response the Board's request. [Large exhibit: alternate site and grading plan].

Action: (1) Re-opened the record to include Mr. Gilbert's memorandum; (2) granted the administrative modification, (DLB/WMH, 5-0).

10. Pending Item. **S-671, Petition of Randolph Building Limited Partnership** (off-street parking). Letter to the Board from Ronald Bolt, Esquire, submitting an as-built site plan and requesting an administrative modification. [Large exhibit: as-built site plan].

Action: (1) Granted the administrative modification; (2) the parking plan will need the Board's approval prior to construction; (3) all plantings shown on the as-built plan must be maintained or replaced if they expire, (WMH/DLB, 5-0).

11. **S-994, Petition of Sarah F. Dunbar** (accessory apartment). Letter from the property owner notifying the Board that special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WMH/CLH, 5-0).

12. **S-1880, Petition of Zoltan and Katalina Korossy** (non-resident medical practitioner). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CGT/CLH, 5-0).

13. **S-2000, Petition of Leta L. Holley, Ruth L. Holley and Dennis M. Desmond** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that special exception's address has changed.

Action: (1) Re-opened the record to include Mr. Whitt's memorandum; (2) BOA will issue a Resolution noting the property's change of address, (CGT/CLH, 5-0).

14. **S-2091, Petition of Beatrice A. Russell** (accessory apartment). Letter from John Dunn, Esquire, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WMH/CGT, 5-0).

15. **S-2112, Petition of Anne M. Todd** (private riding stable). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (DLB/WMH, 5-0).

16. **S-2147, Petition of Roger D. Bethke** (accessory apartment). Memorandum from John Whitt, Program Manager, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (WMH/CLH, 5-0).

17. **S-2393, Petition of New England Development and The May Department Stores Company** (hotel). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception was never implemented and requesting that it be revoked. Also included is a letter of confirmation from the petitioner's attorney.

Action: Revoked the special exception as abandoned, (CGT/DLB, 5-0).

18. **S-2423-A, Petition of Meadow Ridge Senior Villas, LLC** (housing for the elderly and handicapped). Letter from Jim Fountain, Treasurer, in response to the Board's Resolution of 6/13/07. BOA to address the special exception's conformance with its conditions of approval.

Action: (1) Re-opened the record to include Mr. Fountain's letter; (2) request DPS inspect the special exception for compliance, (CGT/CLH, 5-0).

19. **S-2691, Petition of MYM Development LLC d/b/a The Goddard School** (child day care facility). Memorandum from Françoise Carrier, Director, Office of Zoning and Administrative Hearings (OZAH), notifying the Board the special exception has been withdrawn and requesting a refund of the filing fee. Also included is letter of confirmation from the petitioner's attorney.

Action: (1) Re-opened the record to include Ms. Carrier's memorandum and the letter from the petitioner's attorney; (2) dismissed the special exception as withdrawn; (3) refund 50% (\$1,875.00) of the filing fee, (CLH/MWM, 5-0).

DECISION ITEMS:

20. Pending Item. **S-2685, Petition of Avalon Education Group, Inc.** (private educational institution). Letter to the Board from Soo Lee-Cho, Esquire, submitting a revised site plan. Hearing Examiner's Report and Recommendation. [Large exhibit: revised site plan].

Action: (1) Re-opened the record to include Ms. Lee-Cho's letter with attachment; (2) granted the special exception with conditions, (DLB/CGT, 5-0).

21. **S-2700, Petition of Hannah DiBonge d/b/a Germantown Pharmacy** (drug store). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DLB/WMH, 5-0).

22. **S-2704, Petition of Barbara E. Diederich** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (WMH/CGT, 5-0).

PENDING ITEMS:

23. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [W/S 2/28/07].
24. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference held on 3/14/07].
25. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07. [W/S 4/18/07].
26. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report. [W/S 4/18/07].
27. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen has been removed. [W/S 7/26/06].

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